IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 33 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BAI LILABEN MANUBHAI

Versus

STATE OF GUJ

Appearance:

1. Criminal Revision Application No. 33 of 1983

MR AD SHAH for Petitioner No. 1

Mr N D Gohil, APP for Respondent No. 1

..... for Respondent No. 2

NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 23/01/2003

ORAL JUDGEMENT

This revision application has been filed challenging the judgment and acquittal order recorded by the learned Chief Metropolitan Magistrate at Ahmedabad in criminal case No.1092/82 under which the learned Magistrate acquitted respondents no.2 and 3 herein for the offence punishable under section 324 read with section 114 of IPC.

2. Feeling aggrieved byy the said judgment and acquittal order of the trial court, the petitioner-original complainant has preferred this revision application stating that the judgment and order of the trial court is illegal and perverse and deserve to be quashed and set aside.

3. Rule was issued and it has been served. Mr N D Gohil, learned APP appears for the State. Mr A D Shah, Learned Advocate for the petitioner states that both the accused have passed away and therefore, this revision application will not survive. Certified copies of the death certificate are there on record. The first certificate dated 7.5.1992 shows respondent no.3 Govabhai Nathubhai has passed away on 6.5.1992 whereas the second death certificate of Dahyabhai Nathubhai, respondent no.2 shows that the said respondent has passed away on 2.2.1985. In that view of the matter, when the accused persons have passed away, there is no question of prosecuting this revision application. This revision application is ordered to be disposed of
Rule discharged.

23.1.2003 [D P Buch, J.]
msp